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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,189	10/31/2000	David L. Gilmour	003386.P002X2	2756
7590 05/04/2010				
Andre L. Marais Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025			EXAMINER NGUYEN, THANH T	
			ART UNIT 2444	PAPER NUMBER
			MAIL DATE 05/04/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DAVID L. GILMOUR, HUA-WEN WANG,  
and JONATHAN M. GOLDBERG

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Appeal 2010-006926  
Application 09/703,189  
Technology Center 2400

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Before STEVEN J. BARTLETT, *Support Division 2 Manager*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on May 3, 2010. A Docketing Notice was mailed on May 4, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

AMENDMENT AFTER FINAL NOT CONSIDERED

An After Final Amendment was filed in this application on November 2, 2007. There is no indication in the record that the After Final Amendment was considered by the Examiner. The Examiner needs to determine if the After Final Amendment will or will not be entered, and notify appellant of said entry or non-entry.

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to consider the Amendment After Final filed November 2, 2007;
- 2) to notify appellant of the entry or non-entry of the Amendment After Final filed November 2, 2007; and
- 3) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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